

get their foot in the door. Employers could be more reticent to hire women in some circumstances, especially those reentering the workforce, since they automatically would be included in future gender- or race-based class action lawsuits, and it would raise costs for businesses and hurt wages across the board.

In short, it is a federally mandated, one-size-fits-all approach to pay that would only take away choice, opportunity, and flexibility for women—the very things that Congress ought to ensure are allowed. Indeed, surveys show that workplace flexibility is incredibly valuable to women. One survey estimates that 60 percent of female job-seekers say that greater work-life balance and personal well-being are very important to them when considering a job, and 46 percent of female employees say flextime is the most important benefit a company can offer employees. Further research shows that productivity can be improved by as much as 50 percent when flexible options are available to workers.

If we are to empower women and make it easier for them to increase their earnings, we should not be getting in the way of flexible options that can help.

Thankfully, the rejection of the Paycheck Fairness Act this week proved that it is not the right approach. There is, indeed, a better path forward. The bill I am proposing, the Working Families Flexibility Act, would help provide it.

For decades, Federal labor laws have unfairly restricted private sector employees from choosing either traditional overtime pay or paid time off as compensation for overtime hours worked, while granting a special exemption for government employees. This legal disparity between private sector employees and public sector employees unfairly discriminates against working men and women in the private sector, and it is long overdue that it be addressed. There is no reason that these working moms and dads in the private sector should be prevented from receiving the flexibility that employees in the government are able to receive.

My bill would simply amend the Fair Labor Standards Act to allow private sector employers to give their employees the option to choose either traditional overtime pay or paid time off, both accrued at 1.5 times the overtime hours worked. It is a totally voluntary proposal for both employers and employees. Employers are not forced to offer it, and employees are not forced to take it.

In addition to offering safeguards to ensure that the choice to use comp time is voluntary, it retains all existing labor law protections for employees, including the 40-hour workweek and overtime accrual protections.

If we truly seek to empower women in the workplace, we ought to give them the freedom and flexibility to

pursue their careers and the families they desire. The Working Families Flexibility Act would do just that, and I urge my colleagues to support it.

This is something that we ought to adopt right now. This is something that Federal law already allows for, for government employees, and we ought to end the discrimination against private sector employees.

For that reason, Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 247 and that the Senate proceed to its immediate consideration. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, reserving the right to object, let me just say that over the last year, we have heard constantly that you should “stay home when you are sick.” It is good advice, of course, and the right thing to do for public health, and I certainly encourage people to do it. But what I thought about every single time was, what about the workers who can’t just stay home? There are a lot of them.

Right now, 32 million American workers do not have access to a single paid sick day. Let me repeat that. Thirty-two million people in the United States will lose pay if they stay home because they are sick or because they have to care for a sick loved one. Only 20 percent of private sector workers in the United States have paid family leave through their employer, meaning millions of workers will lose pay if they give birth or have a sick child, for just a few examples.

What I hear from workers in these situations is that they need to know they have the ability to take time off without worrying about losing their paycheck and without worrying about whether their boss will allow them.

That is why I am on the floor today to object in the strongest terms to the misleadingly titled bill the Senator from Utah just proposed. His bill would allow employers to offer workers’ comp time instead of time-and-a-half pay when workers put in overtime.

Here is why this won’t work when it comes to taking paid leave. Under this bill, the so-called Working Families Flexibility Act, workers would have no guaranteed right to use the comp time they have earned even when there is an emergency. And it actually gets worse from there. Under this bill, if a worker’s claim is denied, their only option to fight back is to request that their comp time be cashed out, and the employer has a whole month to comply. As of March 2021, more than half of Americans said they were living paycheck to paycheck. A month is not going to work for them.

Anyone who is serious about making sure workers can support themselves and care for themselves and their families should reject this bill and work with my colleagues and me to pass Senator GILLIBRAND’s FAMILY Act and the Healthy Families Act Congresswoman DELAURO and I introduced. Our legislation would actually truly give workers flexibility and the weight off their shoulders as they navigate the kinds of tough times we all encounter in our lives.

Look, when this pandemic struck, we saw how costly not having paid leave has been for our workers, for our families, for our businesses, and for our country. Millions of workers were forced to choose between the well-being of themselves and their coworkers and their families or their paycheck. Millions were infected, and millions more—especially women and workers of color—were forced out of their jobs in large part due to lacking paid leave or quality, affordable childcare options.

This pandemic has really made it more clear than ever: It is far past time we made paid leave a right for all, not just a privilege for some.

Now is not the time for more false choices and stress for our workers. It is a time to get real solutions over the finish line, so I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEE. Mr. President.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, it is unfortunate that the Senate won’t choose to make available to private sector workers options that are already available to government employees.

Just to reiterate here, under this legislation, employers are not required to offer it; employees are not required to take it. This just eliminates the vestigial remains of labor laws passed decades ago that denied workers and employers this option. They keep that open for government workers. That is discriminatory. It is unfair, and it ought to end.

VOTE ON QURAISHI NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Quraishi nomination?

Mrs. MURRAY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Minnesota (Ms. SMITH), is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR) and the Senator from Kansas (Mr. MORAN).

The result was announced—yeas 81, nays 16, as follows:

[Rollcall Vote No. 230 Ex.]

YEAS—81

Baldwin	Grassley	Peters
Barrasso	Hagerty	Portman
Bennet	Hassan	Reed
Blumenthal	Heinrich	Risch
Booker	Hickenlooper	Romney
Boozman	Hirono	Rosen
Brown	Hoeven	Rounds
Cantwell	Hyde-Smith	Rubio
Capito	Kaine	Sanders
Cardin	Kelly	Schatz
Carper	Kennedy	Schumer
Casey	King	Scott (SC)
Collins	Klobuchar	Shaheen
Coons	Leahy	Sinema
Cornyn	Lee	Stabenow
Cortez Masto	Lujan	Tester
Cotton	Lummis	Thune
Cramer	Manchin	Tillis
Crapo	Markey	Toomey
Daines	McConnell	Van Hollen
Duckworth	Menendez	Warner
Durbin	Merkley	Warnock
Ernst	Murkowski	Warren
Feinstein	Murphy	Whitehouse
Fischer	Murray	Wicker
Gillibrand	Ossoff	Wyden
Graham	Padilla	Young

NAYS—16

Blackburn	Inhofe	Scott (FL)
Blunt	Johnson	Shelby
Braun	Lankford	Sullivan
Cassidy	Marshall	Tuberville
Cruz	Paul	
Hawley	Sasse	

NOT VOTING—3

Burr	Moran	Smith
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The nomination was confirmed.

The PRESIDING OFFICER (Mr. VAN HOLLEN). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

The PRESIDING OFFICER. The Senator from New York.

UNANIMOUS CONSENT REQUEST—S. 1520

Mrs. GILLIBRAND. Mr. President, I rise for the seventh time to call for this entire body to have the opportunity to consider and cast their votes for the Military Justice Improvement and Increasing Prevention Act.

This commonsense reform would ensure that people in the military who have been subjected to sexual assault or other serious crimes get the justice they deserve.

In the 8 years that I spent advocating for this reform, with many other Senators, I have heard some criticism from those who would rather not see change to our military justice system. I wanted to take this time to briefly respond to a few of those criticisms.

First, I have heard that the bill will add bureaucracy to the process. The fact is, this bill actually cuts redtape. Instead of needing to find time on a commander's busy schedule for a military prosecutor to brief them on the case, the prosecutor's recommendations, instead, become the prosecutor's decision.

Under this law, prosecutors who understand complex military justice concepts like unlawful command influence and evidentiary standards make the decision, rather than a commander whose time is better spent focusing on warfighting than on learning the evidentiary rules. I have to wonder if

these critics have actually read the bill, since it specifically requires the services to use existing resources that we have already provided to accomplish this reform.

Second, detractors worry that this law will result in fewer prosecutions. The opposite is true. Under the current system, only about one-third of survivors are willing to even come forward to report a crime. When 64 percent of victims are retaliated against for coming forward and less than 1 percent of victims actually sees a conviction, who can blame them?

When we put complex cases in the hands of impartial, professional prosecutors, both victims and the accused will have more faith and more confidence in the system. The more confidence survivors have in the system, the more they are likely to come forward. And the more survivors who come forward, the more offenders we can prosecute.

Third, those who would rather push off this reform to maintain the status quo sometimes say that there is a lack of data to support the policy and worry that it would somehow collapse good order and discipline. There is no lack of data on justice systems to pull from.

Our major Western allies have implemented systems like this, and in country after country, this type of reform, just like other military justice reforms, has improved good order and discipline.

In Israel, for example, this system brought survivors out of the shadows and gave them confidence to report. From 2012 to 2017, the Israeli military saw a 91-percent increase in willingness to report crimes. During that same period, the U.S. military saw an increase of only 33 percent. Despite the success of the #MeToo movement, we are still lagging so far behind in fostering a military climate where victims feel safe to come forward.

Year after year, detractors have had the same dogmatic response: Commanders will be unable to maintain good order and discipline if we make this change. Well, I have talked to commanders who have seen the need for change, and I encourage my colleagues to do the same. They can start with my cosponsor, Senator JONI ERNST. If commanders feel this authority is essential to their ability to lead, then they have a lot more to learn about leadership.

Last, we have the argument that is developing that, if we do make this change, to just make it a little bit. Let's just do it for one crime. Let's just do it for the crime of sexual assault.

Well, we have an editorial today that was published in *The Hill*. The headline is, "Military justice reform, 'pink court' and unit cohesion." These were four military experts who wrote this editorial, and I will read a quote from it.

President Biden, Secretary Austin and members of the House and Senate may be tempted to settle on a compromise under

which only sex offenses would be subject to prosecution decision making by lawyers rather than non-lawyer commanders. After all, they may believe, it's those offenses that have given rise to this entire controversy, so let's just fix that.

That may be the way the process unfolds from here, but it would be a mistake—and a tragic one, given the difficulty of getting Congress to focus on military justice in a sustained way. It would take years for the military justice system to recover if Congress takes the wrong path at the current fork in the legislative road.

It goes on to talk about two reasons this would be harmed. The first lies with the fact that there is bias in the system and that this bias cannot be eradicated by just taking out one crime, that it should be for all serious crimes.

I will read from the text again.

Second, even though men as well as women in uniform are victims of sexual assault, public concern has chiefly focused on the women. It is concern over them and their willingness to come forward without fear of retaliation that has given the reform issue such potency. As a practical matter, if a parallel system is created for the disposition of sex offenses, that system will be understood as having been created chiefly for the benefit of women in uniform. Congress will, in effect, have created "pink courts"—courts for women.

Creating "pink courts" will destroy unit cohesion. It is difficult to imagine a surer way of turning back the clock on all the progress our country has made in integrating women in uniform, including opening occupational specialties, admission to the service academies, qualification as pilots of warplanes and commanders of naval ships and Coast Guard cutters, and promotion to flag and general officer ranks.

Congress should transfer the charging power for all felony-level offenses by military personnel to uniformed prosecutors independent of the chain of command. Limiting the transfer to sex offenses makes no sense.

One argument that was not included in here is that, if you do limit it to just one crime, you don't address the issue of defendants' rights. Now, with so much data we have available about racial biases in prosecution and conviction and punishment, it is right that we care about both plaintiffs' rights and defendants' rights and reform the entire system.

These unfounded arguments are nothing more than delay tactics. Every day we delay this vote, we deny justice to our servicemembers—the people who do so much for us and so much for this country. There is no reason to wait any longer.

Mr. President, as if in legislative session, I ask unanimous consent that, at a time to be determined by the majority leader in consultation with the Republican leader, the Senate Committee on Armed Services be discharged from the further consideration of S. 1520 and the Senate proceed to its consideration; that there be 2 hours for debate, equally divided in the usual form; and that upon the use or yielding back of that time, the Senate vote on the bill with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Rhode Island.

Mr. REED. Mr. President, I object.

We look forward to having a very healthy and serious debate on this issue in the Armed Services Committee so that we can resolve many claims by both sides about the best way to deal with this.

I think, through Senator GILLIBRAND's great efforts, we have moved a long, long way in terms of addressing the issue of sexual assault through the UCMJ, but there are still significant issues that have to be thoughtfully discussed. In the context of that discussion, I object.

The PRESIDING OFFICER. The objection is heard.

Mrs. GILLIBRAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO MICHAEL MARTINEZ

Mr. SULLIVAN. Mr. President, it is Thursday, and it is that time of the week. I know a lot of our reporters in the Senate like this because it is the signal of kind of the end of the work-week here. Of course, it is also a signal that I get to come to the floor and do what is one of my favorite elements about being a U.S. Senator: talking about someone who makes Alaska what I believe to be the greatest State in the country. We call this person our Alaskan of the Week.

Before I get to talking about our Alaskan of the Week—an extraordinary young man named Michael Martinez—let me tell you a little bit about what is going on in Alaska right now.

Today, in Anchorage, the Sun rose at 4:44 a.m., and it will set tonight at 11 p.m. It was light almost all day. Black-out curtains are up, and 12 midnight Sun celebrations are abounding. It is a great time of the year to be in Alaska. You can't believe the energy you feel.

We were recently able to pass a cruise ship bill—and I appreciate the Presiding Officer's doing that a couple of weeks ago—that enables cruise ships to come back to our State this summer. So we are going to have tourists coming, and you should, too, America. If you are watching on C-SPAN, come on up. Alaska is safe. It is beautiful. If it is on your bucket list, make it happen this summer. You will love it. You will see breathtaking scenery and some of the most generous, innovative people in the country. You will not be disappointed. So come on up.

You will be in a State where 21-year-old Michael Martinez, our Alaskan of the Week, was born and raised—one of the many, many reasons I remain optimistic about the state of our State and the state of our country. So let me tell you a little bit about Michael.

His mother, Mary, is from the village of Kotlik in the Yukon-Kuskokwim

Delta. She is Yupik. His father, Eufemio, is from Central Mexico. So those two met and married in Anchorage, and that is where Michael was raised.

As I said, he is 21 years old now and has one more year to go before he receives his bachelor of science degree in chemistry from the University of Alaska Anchorage—a great university. Although he has been very successful so far in his already having won many awards for his research, he plans on going to graduate school. There is so much for him to study, after all, and his interest in science runs very deep, as it has since he was a young boy when he began winning science fairs.

An Alaska reporter wrote a story in 2016—so 5 years ago—already documenting then young Michael's successes. The first award was for an experiment demonstrating how weight and length affect the throwing distance of traditional hunting spears used by Alaska Natives. Isn't that a cool research topic? In eighth grade, he won an award for designing a robot.

Eventually, he moved on to bigger and better things, like, at the tender age of 16, trying to find a cure for cancer and getting mentorship from his high school teachers at Service High School in Anchorage and, very importantly, in the Alaska Native Science and Engineering Program—what we call ANSEP—in Alaska. He won the Emperor Science Award, which is a prestigious science research award offered through PBS Learning Media and Stand Up to Cancer.

Michael worked with his mentor, Dr. Holly Martinson, Ph.D., from the University of Alaska Anchorage, to make a database for Alaska Natives suffering from cancer. It was his introduction to the world of research, and he fell in love with it. He entered ANSEP.

Let me talk to you a little bit about ANSEP. It is a program that attracts young Alaska Native students from all over Alaska and provides extraordinary educational opportunities for them in science, in the STEM fields. ANSEP students have been enormously successful and have gone on to do incredible, incredible things. I can't say enough about this tremendous program.

Eventually, Michael was introduced to another mentor, Dr. Brandon Briggs, a professor of biological sciences and the director of the Advanced Instrumentation for Microbiome Studies. It was his work at Dr. Briggs' lab that led him to his current passion of finding better environmentally friendly ways to extract much needed, even critical, materials from the Earth.

Increasingly, both here in Congress and across the country, we have been focusing on metals and minerals that are needed to power our future, particularly rare earth elements and critical minerals. So much of our economic future and our national defense depends upon these minerals. The problem—although we have many of these

minerals, rare earths included, in our country and particularly in Alaska—is that our mining industry has had incredibly difficult times in terms of being able to access them, whether it be with permitting delays that take years, with far-left environmental lawsuits that prohibit the extracting of them, or with the lack of production capacity. The result is that China, like it is in so many other areas, is dominant, controlling up to 90 percent of some of these critical minerals.

Like many of the challenges we face and confront with China, we need the best minds in America working on these things. Our young minds hold the promise of our future.

That is one of the reasons we recently passed a bill right here in the Senate this week to fund research institutions, so that we can unleash this talent and creativity.

This is where our Alaskan of the Week, Michael, comes in. It was recently announced that Michael won first place in the High North Young Entrepreneur Award at the High North Dialogue, an international pitch competition for Arctic-related business ideas. Here is what he won it for: forming a company with his adviser-mentor, Dr. Briggs, called Arctic Biotech Oath, which is working on sustainably extracting rare-earth elements, as I said, which are in abundance in Alaska.

How does this work? What is the science and chemistry that he is already working on? In a lab, they are using microorganisms, fungi, which dig into the ore, breaking it up, and releasing the rare-earth element into a solution, which is a more natural and sustainable process to extract these rare-earth elements.

This process is still in research and development, but it has incredible potential for our Nation and for our State, and he has founded a company that is doing this, and Michael is just 21 years old. Michael could be anywhere doing this, but he is staying in Alaska because Alaska is home, and he is committed to contributing to our State.

That is why I'm still here. And that's why the company will be here and will be based in Alaska. I was born and raised here. I am trying to improve our State and see Alaska soar and thrive within the next couple of decades. I want to see a green energy sector evolve in Alaska.

So that is Michael. He wants to be part of this, and he is part of this at the tender age of 21.

So to Michael, thanks for all your hard work.

By the way, thanks to all the mentors in Michael's life and ANSEP and UAA, which have helped him along the way.

Good luck in your endeavors, and congratulations, Michael, for being our Alaskan of the Week.

FOREIGN POLICY

Mr. President, since this administration—the Biden administration—came into office, I and a number of Senators,